

## REMARKS

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## DRAWINGS

The drawings were objected to for failing to show several numerals (38b, 40b, 42b, 44b, 46b, 48b, 52b, 54, 58 and 136) listed in the Specification and for having other informalities. This objection has been traversed by amending the specification to delete these numerals. The paragraph bridging pages 4 and 5 has been amended to delete the specific reference to colored dots. The incomplete sentence on p. 5 has been corrected.

## SPECIFICATION

The Abstract has been objected to for inclusion of allegedly legal phraseology - "comprises". This word, like many in the English language, are common terms that additionally have acquired legal meaning. Any dictionary will list the common meaning on "comprises". The usurpation by the patent profession does not diminish its common meaning, which means "includes". If "comprises" is banished from common usage, so too must be "said", "the", "consists", "in situ", and on and on. If the Examiner insists on removal of the term, she is asked to provide some pronouncement in the Code or a binding judicial decision.

## CLAIMS

Claims 1, 4 and 7 were rejected under 35 USC §103 over the combination of Koseki and Lahay. Claim 1 has been amended to better distinguish Applicant's invention from this combination by now reciting "pocket means adjacent each slit for receiving and retaining a hemostat attached to a suture against being pulled through the body."

While Lahay discloses a device for holding surgical instruments and Koseki discloses a device for retaining sutures, the combination does not disclose a device having a plurality of slits or slots for holding hemostats having attached sutures. Further, there is no provision for preventing the hemostats from being pulled through the retaining slots, as now recited in claim 1. This retention is necessary where the device is picked up by the surgeon to "simplify and facilitate uniform movement of sutures attached to soft tissue for retraction and/or balancing of the soft tissue during

orthopaedic surgeries..." (specification, page 6) This feature is nowhere disclosed, taught or suggested by any combination of the cited references.

Claim 2 were rejected under 35 USC §103 on the base combination plus Gossett. Gossett is inapposite in that it has no relevance to the surgical implements of Applicant's invention or the remainder of the cited references. It is not seen how Gossett has any utility for holding hemostats against being pulled through the slits.

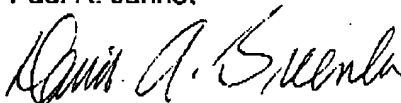
Claim 3 was rejected under 35 USC §103 on the base combination and Creelman, which has no relevance to retaining hemostats from being pulled through.

Claims 5 and 7 were rejected under 35 USC §103 on the base combination plus Gabbay, which has no relevance to holding hemostats.

None of the combinations of references cited teaches, discloses or suggests Applicants as recited in amended claims 1 – 7, allowance of which is requested.

Respectfully submitted,

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